



U.S. DEPARTMENT of STATE

Sudan

International Religious Freedom Report 2005

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Both the Constitution of 1998 and the draft of a new constitution to replace it provide for freedom of religion; however, in practice the Government continued to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The Government that came to power through a coup in 1989 had as a goal the Islamization of the society, and it has treated Islam as the state religion, declaring that it must inspire the country's laws, institutions, and policies. Sudan has suffered many years of civil war. A major step towards peace was achieved with the signing, on January 9, 2005, of the Comprehensive Peace Agreement (CPA) covering the north-south conflict. The CPA calls for the adoption of a new constitution and installation of an interim government on July 9, 2005.

The issue of respect for religious freedom was a topic of discussion throughout the first half of 2005 as the peace process progressed, and a new constitution was drafted that included specific religious freedom guarantees based on a series of negotiated protocols. Under the proposed constitution, a distinction is made between the north and the south. The new constitution states that legislation having effect only in the north "shall have as its source ... Shari'a and the consensus of the people." Legislation applicable to the south of Sudan shall have as its source "popular consensus, the values and the customs of the people of Sudan, including their traditions and religious beliefs." This is a change from the previous policy that used Shari'a as a source of legislation throughout the country.

There was no significant change in practice concerning the status of respect for religious freedom during the period covered by this report. The Government continued to discriminate against non-Muslims, non-Arab Muslims, and those Muslims not from tribes or sects affiliated with the ruling party, particularly in terms of government job allocations. Non-Muslims were also discriminated against in the issuance of building permits for houses of worship. There were reports that security forces harassed and at times threatened use of violence against persons on the basis of religious beliefs and activities, although it was sometimes unclear whether they were harassed for religious or political reasons.

Relations among religious groups improved somewhat during the period covered by the report.

There was increased dialogue among the various religious communities under the auspices of the Sudan Inter-Religious Council (SIRC), which describes itself as an independent nongovernmental organization (NGO), and the Sudan Council of Churches (SCC). The SCC is composed of 12 Christian denominations, among them Catholic, Orthodox and Protestant groups. There were several efforts underway to promote peace and reconciliation. Some churches within the SCC were actively working toward peace and reconciliation by bringing together Muslims and Christians in workshops and seminars.

The U.S. Government continued to promote religious freedom and human rights in the country with the Government and the public throughout the period covered by this report. The U.S. Government made it clear to the Government that the problem of religious freedom is a serious impediment to improvement in the relationship between the two countries. High-level U.S. officials and U.S. Missions to international forums have consistently raised the issue of religious freedom with both the Government and the public. Since 1999, the Secretary of State has designated Sudan a Country of Particular Concern under the International Religious Freedom Act for particularly severe violations of religious freedom.

Section I. Religious Demography

The country has an area of 967,500 square miles, and its population is an estimated 40 million. The country is religiously mixed, although Muslims have dominated national government institutions since independence in 1956. Accurate figures are unavailable due to poor census data and decades of civil war, but estimates put the Muslim population at approximately 65 percent, including numerous Arab and non-Arab groups; Christians at approximately 10 percent; and traditionalists at 25 percent. Muslims predominate in the north, but there are sizable Christian communities in northern cities, principally in areas where there are large numbers of internally displaced persons (IDPs).

It is estimated that over the last 40 years, more than 4 million southerners have fled to the north to escape the war. Many citizens in the South adhere to either Christianity or traditional indigenous religions (animists); however, there are Muslim

adherents as well, particularly along the historical dividing line between Arabs and Nilotic ethnic groups. There are reports that Christianity is growing rapidly in the south. There also is evidence that in the south many new converts to Christianity continue to adhere to elements of traditional indigenous practices. The self-reported number of adherents claimed by various groups may not be accurate and cannot be confirmed by census figures. Some Muslim groups claim that 80 to 85 percent of the population is Muslim. Catholics estimate their membership number at 5 to 7 million; Episcopalians estimate 4 to 5 million followers. There are small but long established populations of Greek Orthodox and Coptic Rite Christians, mainly around Khartoum and northern cities. The once 25,000-strong Greek community has been reduced to approximately 500. The Coptic community estimates its numbers in the past were between 400-500,000, most located throughout the north in Khartoum, North Darfur, and the Nuba Mountains, but many, mainly for economic reasons, have left the country or converted to Islam. There are also other Christian groups with smaller followings including Armenian Apostolic, Ethiopian Orthodox, Evangelical, Lutheran, Pentecostal and Presbyterian.

The Muslim population is almost entirely Sunni but is divided into many different groups. The most significant divisions occur along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, are associated with the opposition Umma and Democratic Unionist Parties respectively.

There is a rough correlation between religion, political affiliation and language. The National Congress Party (NC) and the Umma Party draw their support from Arabic speaking Muslims, the Democratic Union Party (DUP) includes Arabic speaking Muslims and Coptic Christians, while the Sudan People's Liberation Movement (SPLM) finds support among Christian, English-speaking southerners.

The country's religious divergence is aggravated by the perception among southerners and non-Arab Muslims that they are marginalized by the Muslim government. Northern Arab Muslims have dominated political and economic structures since independence in 1956. Southerners began an armed struggle to protest religious, political, and economic discrimination even before that time.

In the three western Darfur states, the conflict has not been resolved between the Sudanese government and the Arab militias it supports (Janjaweed), and rebel groups with support from largely non-nomadic African Muslims. The conflict revolves around economic, political, and ethnic issues rather than religious differences.

Section II. Status of Religious Freedom

Legal/Policy Framework

Both the Constitution of 1998 and the draft of a new constitution provide for freedom of religion; however, in practice the Government considered itself an Islamic government, and Islamization was an objective of the governing party. The Government continued to favor those that support the ruling party regardless of religion; however, Muslims from different traditions other than the ruling party, those not associated with the National Islamic Front (NIF), and non-Muslims faced discrimination when applying for government jobs.

Private schools may choose their own teachers, but all courses and curriculum, including those of private Christian schools, from pre-school through university, must follow the State-ordered model. Public schools may excuse non-Muslims from classes on Islam without providing those students a Christian teacher for that time. Muslim teachers go to private Christian schools to teach Islam to students there. The Government forbids the use of English as a language of instruction in the public schools, although it permits the teaching of English as a foreign language.

Religious organizations and churches are subject to the same restrictions that are placed on nonreligious corporations. Religious groups, like all other organizations, are supposed to be registered to be recognized or to assemble legally. However, registration reportedly is no longer necessary; and the churches, including the Catholic Church, have declared they are not nongovernmental organizations (NGOs) and have declined to register. Registered religious groups are supposed to be exempt from most taxes, but the churches say they are still subject to taxes and import duties.

Applications to build mosques are generally granted; however, the process for filing applications to build churches is more difficult. The Guidance and Endowment Minister has reportedly revised the rules for issuing permits but, according to the SIRC, no permits have been issued under the new rules. The SIRC states that, in order to build a new church, permits have to be obtained at the state government level as well as the local government level. The Minister of Construction and Planning in each state must give permission, and local building permits obtained. Permits are denied to most non-Muslim religious groups, and local restrictions prohibit building places of worship in residential neighborhoods due to considerations of noise, numbers of worshippers, and other factors not applied equally to Christians and Muslims. The last formal permit for a Christian church was reportedly issued around 1975.

The Alien Voluntary Work Act regulates foreign groups coming to Sudan to evangelize. The SCC states that this act requires Christian groups to register with the government, but that it does not apply to Muslim groups.

The SCC, which represents 12 church denominations, faces internal organizational challenges. Three denominations, the Catholic Church, the African Inland Church, and the Sudan Pentecostal Church, suspended their memberships in the SCC in early 2005, reportedly due to disagreements on the operations of the SCC. During the civil war, a separate organization known

as the New Sudan Council of Churches (NSCC) was established by the Catholic Church and seven other denominations in the south, in areas not controlled by the government. With the CPA in place, the intention is to merge the SCC and the NSCC.

Government officials have attended church services on Easter and Christmas to show solidarity and to address non-Muslims. The Orthodox Easter is an official government holiday, as are the traditional Muslim holy days.

The Government, through the Guidance and Endowment Ministry, ostensibly expresses a policy of religious tolerance. However, non-Muslims, as well as non-Arab Muslims and Muslims from tribes and traditions not affiliated with the ruling party continued to express concern that they are treated as second-class citizens and discriminated against in such religious matters as in the issuance of permits for the building of churches, and also with respect to jobs and other societal relations. They noted that a majority of Christians are from tribes in the south, not affiliated with the ruling party, which Christians claim puts them at a disadvantage.

In January 2005, the north-south peace process entered a new phase with the signing of a CPA. Under this agreement an interim government will govern the country for 6 years. In the south, a referendum will then be held to decide on unity or southern independence. Shari'a law and its application to non-Muslims in the capital was a contentious issue during the negotiations, but it and the other major issues underlying the north/south conflict have been largely resolved in the agreements. Shari'a generally will continue to be the basis of the national legal system as it applies in the north; national legislation applicable to the south will be based on "popular consensus, the values, and the customs of the people." In states or regions where a majority holds different religious or customary beliefs than those on which the legal system is based, the national laws may be amended to accord better with such beliefs. According to Shari'a principles, non-Muslims are not subject to prescribed penalties and therefore remitted penalties shall apply throughout the country. The courts may not exercise discretion to impose the harsher physical forms of Shari'a penalties on non-Muslims. The interim constitution is expected to be ratified in early July before the inauguration of the Government of National Unity (GONU) on July 9, 2005.

Under the CPA, a Special Commission on the Rights of Non-Muslims is to be created. The President of the new interim government will appoint the commission. The role of this commission has yet to be clearly defined. Some Muslim leaders have noted that there is no government commission on Muslim rights.

Restrictions on Religious Freedom

The problems non-Muslims have encountered in obtaining legal permits for new church construction continued. The SIRC reported that the Guidance and Endowment Ministry has new regulations for church construction permits. No permits had been requested under the new regulations by the end of the period covered by this report.

While non-Muslims may convert to Islam, Shari'a makes apostasy (conversion from Islam to another religion) punishable by death. However, according to the SIRC, the Government has never taken a case of apostasy to court. In practice, authorities have subjected converts to intense scrutiny, ostracism, and intimidation, and encouraged them to leave the country. Social and familial pressure on converts from Islam is also reportedly common. There have also been reports that individuals from the Coptic community who convert to Islam face strong family and social pressure to renounce their decision.

Although the Constitution provides for religious freedom, the Government considered itself an Islamic government, and Islamization was an important objective of the governing party. Muslims may proselytize freely in government controlled areas, but non-Muslims were forbidden to proselytize. The Government continued to restrict the movement of some Christian missionaries.

Missionaries continued to operate in the south, running relief operations, medical clinics, and churches. Christian religious workers, including priests and teachers, like almost all visitors, experienced delays in getting visas. The visas are generally issued, sometimes after very lengthy delays or after the person can no longer travel. The Government controls the travel of all visitors to a number of conflict areas by refusing or delaying travel permit issuance.

Allegations of favoritism to the benefit of individuals who are pro-government are often made. Few non-Muslim, non-NIF affiliated or certain Muslim university graduates are able to find jobs commensurate with their training.

Some non-Muslim businessmen complained of petty harassment and discrimination in awarding of government contracts and trade licenses. There also were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and of preferential treatment in court cases involving Muslim against non-Muslim.

There were reports that some conversions were taking place in order to secure jobs and more equal treatment, especially as to food, housing, and social support services, which are largely available only through Islamic charities. There were also reports that some Christian humanitarian groups distributing food in Darfur were seeking to convert Muslims to Christianity.

The Government monitors some religious and quasi-religious Islamic groups, particularly those that oppose the Government through political platforms or violence against government-affiliated mosques. The group Ansar a Sunna, a small but vocal group that is reportedly funded by Saudi and Gulf sources, adheres to the teachings of the Saudi Wahhabi tradition of Islam. The

Government restricts at least one Islamic group, Taqfir al-Hijra, which conducted violent acts against other Muslims.

Friday is the official day of rest and worship. Sunday is not recognized as the Sabbath for Christians, although employees are ostensibly given 2 hours before 10 a.m. to be used for religious purposes. In practice, for the great majority of non-Muslims, this time is not granted. Employers sometimes prevent Christians in the north from leaving work to worship, and many worship on Friday or Sunday evenings. Public schools are in session on Sunday, and Christian students are not excused from class or from taking exams on Sundays in these schools.

There is a shortage of space within Khartoum, and the cemeteries of Christians and Muslims are becoming more crowded. Christians may be buried in Muslim cemeteries if they are buried in the Muslim manner--without any cross or tomb and with the body positioned with the head facing Mecca.

The Khartoum State government continued the practice of razing the residences and temporary religious buildings constructed by Muslim and Christian IDPs alike, although at times the Government has razed the houses and spared makeshift places of worship. While planning continued for procedures to grant the IDPs legal title to land in other parts of the Khartoum area, the Government has justified its actions on the basis that the squatters do not own the land they are occupying and that they are preventing its rightful use by others.

Islamic family law applies to Muslims and not directly to those of other faiths, to whom religious or tribal laws apply. Certain Islamic legal provisions as interpreted and applied by the Government and many traditional practices discriminate against women. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are ensured inheritance from their parents. However, a widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men to initiate legal divorce proceedings than for women. A Muslim man may marry a non-Muslim woman because, under Islamic law, the wife is viewed as taking on the religion of her Muslim husband at marriage. The children of such a marriage will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. Since traditionalist marriages are not officially licensed or recognized by the State, this prohibition is usually neither observed nor enforced in areas of the south not under government control or among Nubans, most of whom are Muslims.

At times police on university campuses are strict about women following a dress code, but women are often seen in public wearing trousers or with their heads uncovered.

During the war, both opposing military forces occupied property owned by religious groups. In some parts of the south, the Sudan People's Liberation Army (SPLA) reportedly has occupied churches, along with other buildings, to use during the conflict. In early May, press reports noted that a building in Rokon, in Southern Sudan, belonging to the Catholic Church had been handed over by the GOS military authorities to the Catholic Administration after 18 years. Under the peace agreement, churches in Rejaf East, Lirya and Kit are scheduled to be handed back.

The Government controls importation of any kind or quantity of publications, including religious publications, and local printings require the National Press Council's pre-approval of content. The Government also controls issuance of licenses and charges customs duties for printing presses.

Publication of newspapers was sometimes suspended, usually for political reasons, but at times also for religious reasons. In May 2005, the Khartoum newspaper Al Wafaq was shut down for several days and its editor-in-chief, Mohamed Taha, arrested after publication of an article that some readers interpreted as disrespectful of the Prophet Mohammed. Public protests were held when the article appeared and demonstrators called for the editor to be beheaded. The Government brought legal charges against the editor under Article 125 of the Criminal Law which states "whoever by any means publicly abuses or insults any of the religions, their rites or beliefs or sanctifications or seeks to excite feelings of contempt and disrespect against the believers thereof, shall be punished with imprisonment for a term not exceeding one year or with fine or with whipping which may not exceed forty lashes." The editor also faced charges under Article 29 of the Press Law that states that journalists are supposed to seek the truth, adhere to the code of ethics and the rule of law. The case is still in the courts.

The Qur'an pervades the educational curriculum and state-controlled television stations. Although government-controlled TV emphasizes prayers and Islamic programs, the SIRC is negotiating to increase the current 1-hour weekly program for Christians. In the south, there are reportedly three television stations featuring a number of Christian programs.

According to representatives of the Catholic Church, since the current Government took power in 1989, production and consumption of alcohol has been prohibited, and altar wine has not been allowed in any church service.

Abuses of Religious Freedom

The north/south civil war caused an estimated 2 million deaths; approximately 4 million have been displaced internally as a result of fighting between the Government and insurgents in the south. In addition, approximately 2.4 million persons have been internally displaced within Darfur and 200,000 refugees have fled to Chad.

Security forces hold wide authority and monitored both churches and mosques. Security and police forces have not detained

persons for practicing their religious beliefs and have not interfered with actual religious worship, which are not illegal activities. Christian women are still arrested for making and distributing homemade brews, but the Government claims the arrests are made only because alcohol is illegal and violates criminal law.

The Government officially exempts the southern states, which have large non-Muslim populations, from Hudood law--the part of Shari'a which permits physical punishments, including flogging, amputation, and stoning; however, all residents of Khartoum and the northern states, regardless of religion, are subject to Shari'a law, including the Hudood. In practice, this was rarely enforced on non-Muslims except in cases of illegal alcohol brewing. During the reporting period, there were a number of flogging sentences, but few were carried out. The SIRC reports that since 2000 there has been one case of amputation carried out due to repeated instances of theft. Fear of imposition of Shari'a on non-Muslims is one of the factors that fueled support for the civil war. The new Constitution will carry a special provision that non-Muslims in the capital are exempted from Hudood.

In May 2004, the Episcopal Church reported that armed police, without warning, forced the eviction of staff from a church guesthouse. The eviction order arose from a dispute over land registered in the name of a former church bishop, dismissed from the church in 2003, who had posed as the Episcopal Archbishop and purported to sell the property. The Church filed a lawsuit to fight eviction and to reconcile the land ownership problem. The case was still in court at the end of the period covered by this report.

Forced Religious Conversion

Although some non-Muslims have converted under pressure to obtain or keep a job, for promotions and job advancement, or for other social services or benefits, there was no evidence of such forced conversions in the period covered by this report. However, some church leaders say that security forces in the south, in an attempt to garner votes for the referendum on north-south unity scheduled to be held in 6 years, are rewarding persons for converting to Islam and that the Government's military forces are forcing some conversions to Islam. Some Christians report pressure on their children in school, as the teachers and other parents ask them why they are not Muslims. Teachers and media characterize non-Muslims as non-believers. In the south, non-Muslim widows whose husbands were killed in the war receive no benefits, while Muslim widows may qualify for land and government benefits or for assistance from Islamic charities; some women are believed to have converted to be eligible for such private or governmental assistance. There were complaints from Muslims that some Western church organizations operating humanitarian programs in Darfur had coupled relief assistance with distributing bibles in an effort to convert Muslims to Christianity.

The Government operated camps for vagrant children called reformation camps. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. All of the children in the camps, including non-Muslims, must study the Qur'an, and there was pressure on non-Muslims to convert to Islam.

Children who have been abandoned or whose parentage was unknown regardless of presumed religious origin were considered Muslims and could be adopted only by Muslims.

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

Religion plays a role as one of many overlapping cleavages such as race and status in society. Members of differing faiths generally have a cordial and respectful relationship with one another; however governmental policies sometimes promote intolerance. The conclusion of the CPA in January contributed to improved dialogue and interaction between Muslims and Christians. Progress was also made through the work of bodies such as the SCC and the SIRC. However, feelings of mistrust and lack of confidence remained among various groups.

The SIRC began operations in 2003. It is organized as an independent NGO and consists of a General Assembly of 46 members, with equal numbers of Muslims and Christians. The General Assembly elects an Executive Bureau of 12 members equally divided between Muslims and Christians. The SCC participates in the SIRC but members of the SCC have expressed reservations about the power of the SIRC to bring about change, claiming the SIRC is overly dependent on the Government for its budget and does not represent grassroots communities. Some Muslim groups that participate in the SIRC also expressed reservations claiming that the members appointed to the SIRC have to be screened by the Government.

The SIRC, SCC and the Episcopal Church all plan seminars, workshops and other activities to further the peace process and to promote reconciliation. The SIRC has issued a publication entitled "Religion in the Comprehensive Peace Agreement" aimed at educating the public on the provisions of the CPA.

Section IV. U.S. Government Policy

The U.S. Government continued to encourage respect for religious freedom. The U.S. Embassy has made it clear to the Government that improving relations among the many religions, recognizing traditions and education, allowing free movement and entry visas for visiting religious teachers and clerics, not prohibiting printing of religious materials, and promoting and supporting religious freedom through actions as well as words will help to develop a more positive relationship between the two countries.

Embassy officials met on a regular basis with leaders from many Muslim and Christian groups in Khartoum and on trips outside the capital, noting the importance of religious tolerance and the extent of U.S. interest and concern. In particular, the Embassy sponsored an event with a notable American anthropologist to discuss "Shari'a Law in Post Peace Sudan." The government-operated English language weekly magazine Sudan Now reprinted the article and several newspapers reported the findings. U.S. Embassy officers consistently raised religious freedom issues at all levels of government.

U.S. diplomatic efforts to bring about peace have included efforts to promote religious dialogue through the SIRC and SCC, and the Embassy has promoted relationships with religious leaders from both Muslim and Christian traditions. Embassy outreach has included several programs discussing religious freedom.

Since 1999, the Secretary of State has designated Sudan as a Country of Particular Concern under the International Religious Freedom Act for particularly severe violations of religious freedom. Economic measures in effect against Sudan under the International Religious Freedom Act relate to the use of the voice and vote of the United States to abstain on or oppose loans or other use of the funds of International Financial Institutions to or for Sudan (International Financial Institutions Act).

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